

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

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CLERK'S OFFICE  
U.S. DISTRICT COURT  
SAN JUAN, PR

SAMUEL MADURO CLASSEN,  
et al.,

Plaintiffs,

v.

CIVIL NO. 98-2335 (RLA)

SOUTHERN FLYER, INC.  
et al.,

Defendants.

**ORDER DISMISSING CLAIMS**  
**AGAINST CODEFENDANT POOLE AND UNKNOWN DEFENDANTS AND**  
**SCHEDULING PRETRIAL CONFERENCE AND NON-JURY TRIAL**

**DISMISSAL OF CODEFENDANT POOLE AND UNKNOWN DEFENDANTS**

Plaintiffs' request to conduct discovery regarding the viability of a claim against codefendant SAMUEL E. POOLE, JR., filed on November 1, 1999 (docket No. 13) is **DENIED**. The complaint in this action was filed a year ago and there is no evidence of plaintiffs having taken any active participation in the prosecution of their claims. On the contrary, plaintiffs' role in this case has been one of absolute lethargy. The only motions filed on their behalf have been in response to the Court's orders to show cause.

Accordingly, the claims asserted against codefendant SAMUEL E. POOLE, JR. and the unknown defendants listed in the complaint are hereby **DISMISSED**.

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**NON-JURY TRIAL**

Given the parties' conflicting versions regarding the terms of the attorney fee agreement this issue must be resolved at trial. Accordingly, a **NON-JURY TRIAL** in this action is hereby set for **March 9, 2000 at 9:30 a.m.** The parties shall conduct all necessary discovery in time to proceed to trial as scheduled.

Defendant is admonished that given the ample time provided to seek substitute counsel these proceedings shall continue with or without its legal representation.

**PRETRIAL CONFERENCE**

A **PRETRIAL CONFERENCE**, to be held before the undersigned,<sup>1</sup> on **March 2, 2000 at 10:30 a.m.**

A Proposed Joint Pretrial Order<sup>2</sup> shall be filed **on or before February 15, 2000** and shall contain the following:

**I. Nature of the Case**

A statement of the nature of the case agreed upon by all parties which shall include issues of jurisdiction. In the event that the parties cannot agree upon a single description, separate versions shall be submitted.

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<sup>1</sup> The parties shall contact the undersigned's chambers to verify where the conference will be held.

<sup>2</sup> A courtesy copy to be delivered directly to the chambers of the undersigned.

**II. Theories of the Parties**

Each party shall present concisely its pertinent legal theories including applicable citations to statutes and caselaw. Counsel are directed to fully disclose all trial issues since the Proposed Joint Pretrial Order will supersede the pleadings in establishing the issues to be heard and considered at trial.

**III. Admitted Facts**

The parties shall provide a comprehensive listing of all admitted or stipulated facts.

**IV. Contested Facts**

The parties shall provide a listing of contested facts.

**V. List of Exhibits**

This section shall contain a listing of all exhibits which have been pre-marked/numbered. Each exhibit shall be identified by a descriptive title as well as its identification number. The parties shall indicate those exhibits, if any, which are not objected to by opposing counsel.

**VI. Depositions**

The party wishing to use deposition testimony at trial shall list the depositions. Additionally, designations and objections shall be submitted in accordance with the

undersigned's STANDING ORDER FOR CIVIL TRIALS issued on  
February 10, 1994.

#### **VII. Witnesses and Interpreters**

Each party shall identify witnesses to be presented  
at trial and include a brief, one paragraph, offer of proof.

Additionally, the parties shall specifically identify those  
witnesses who will need the services of a court-certified  
interpreter during trial.

#### **VIII. Expert Witnesses and Interpreters**

Each party shall list its expert witnesses and  
include his/her curriculum vitae and an offer of proof. If an  
expert report has been produced, the report shall be submitted  
in conjunction with the offer of proof. Additionally, the  
parties shall specifically identify those experts who will need  
the services of a court-certified interpreter during trial.

#### **IX. Itemized Statement of Special Damages**

In anticipation that the issue of special damages may  
arise, an itemized statement of special damages shall be  
incorporated into the Proposed Joint Pretrial Order. The party  
or parties not in agreement with the proposed statement shall  
include its/their opposition in this section.

#### **X. Estimated Length of Trial**

Parties shall indicate the estimated length of trial.

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1 The Proposed Joint Pretrial Order may be modified by this Court  
2 only upon a showing of good cause.

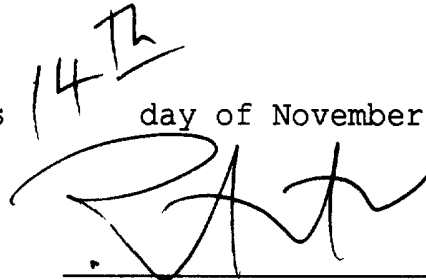
3 **STANDING ORDER**

4 The parties shall file a TRIAL BRIEF<sup>3</sup> no later than **March 6,**  
5 **2000** in accordance with the undersigned's STANDING ORDER FOR CIVIL  
6 TRIALS issued on **February 10, 1994.**

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8 The parties shall make the necessary arrangements with the  
9 courtroom deputy clerk to have the evidence marked prior to trial.<sup>4</sup>

10 IT IS SO ORDERED.

11 San Juan, Puerto Rico, this 14<sup>th</sup> day of November, 1999.



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13 RAYMOND L. ACOSTA  
14 United States District Judge  
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24 <sup>3</sup> Courtesy copies of all these documents shall be delivered  
25 directly to the chambers of the undersigned.

26 <sup>4</sup> The parties shall furnish the undersigned an additional copy  
of all documents intended to be presented as evidence at trial.

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SUMMARY OF DEADLINES AND SETTINGS

2/15/2000 Deadline for filing JOINT PRETRIAL ORDER

3/2/2000 PRETRIAL CONFERENCE at 10:30 a.m.

3/6/2000 Deadline for filing TRIAL BRIEF

\*\*\*\* Parties to mark evidence prior to trial

\*\*\*\* Parties to provide the court copy of all documents intended to be presented as evidence at trial.

3/9/2000 NON-JURY TRIAL at 9:30 a.m.